

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
TUESDAY, SEPTEMBER 27, 2005 AT 9:00 A.M.  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

**Conference with Legal Counsel – anticipated litigation – significant exposure to litigation, pursuant to California Government Code section 54956.9(b):**

**CS-1** *Valerie O’ Sullivan v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 826918

DCA assigned: D. Smith

Plaintiff challenges the City’s use maintenance of the “Children’s Pool” in La Jolla under the 1931 state tidelands trust. The Children’s Pool and nearby “Seal Rock” areas have been the subject of public controversy for approximately ten years due to the increasing presence of harbor seals. Plaintiff claimed that the City has violated the terms of the state tidelands trust at the Children’s Pool by failing to maintain the area as a “bathing pool for children.” The Court filed its Final Statement of Decision on August 26, 2005, in which it found the City to be in breach of the 1931 state tidelands trust and its obligations as trustee under the trust. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiff’s most recent offer to settle the case.

**CS-2 In Re: SEC Investigation into City Bond and Disclosure Practices**

ACA assigned: D. McGrath

In closed session the City Attorney and the law firm of Morgan Lewis and Bachius will discuss the SEC ongoing investigation into the City’s bond and disclosure practices and a tentative draft consent decree.